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SENATE BILL 559

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Carroll H. Leavell

AN ACT

RELATING TO MOTOR VEHICLE INSURANCE; SPECIFYING THE INFORMATION TO BE SUBMITTED TO THE MOTOR VEHICLE DIVISION BY INSURERS OF COMMERCIAL VEHICLES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 66-5-205.1 NMSA 1978 (being Laws 1989, Chapter 214, Section 1, as amended) is amended to read:

"66-5-205.1. UNINSURED MOTORIST CITATION--REQUIREMENTS TO BE FOLLOWED AT TIME OF ACCIDENT--SUBSEQUENT PROCEDURES--INSURER NOTIFICATION REQUIREMENTS--SUSPENSION PROCEDURES.--

A. When a law enforcement officer issues a driver who is involved in an accident a citation for failure to comply with the provisions of the Mandatory Financial Responsibility Act, the law enforcement officer shall at the same time:

(1) issue to the driver cited a temporary

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[bracketed material] = delete

1 operation sticker, valid for thirty days after the date the  
2 sticker is issued, and forward by mail or delivery to the  
3 department a duplicate of the issued sticker; and

4 (2) remove the license plate from the vehicle  
5 and send it with the duplicate of the sticker to the  
6 department or, if it cannot be removed, permanently deface the  
7 plate.

8 B. The department shall return or replace, in its  
9 discretion, a license plate removed under the provisions of  
10 Paragraph (2) of Subsection A of this section or replace a  
11 license plate defaced under that paragraph when the person  
12 cited for failure to comply with the provisions of the  
13 Mandatory Financial Responsibility Act furnishes proof of  
14 compliance to the department and pays to the division a  
15 reinstatement fee of twenty-five dollars (\$25.00). If a person  
16 to whom the temporary operation sticker is issued furnishes to  
17 the department, within fifteen days after the issuance of the  
18 sticker, evidence of financial responsibility in compliance  
19 with the Mandatory Financial Responsibility Act and in effect  
20 on the date and at the time of the issuance of the sticker, the  
21 department shall replace or return the license plate and waive  
22 the twenty-five dollar (\$25.00) reinstatement fee.

23 C. The secretary shall adopt and promulgate rules  
24 prescribing the form and use of the sticker required to be  
25 issued under Subsection A of this section.

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1           D. The secretary shall adopt and promulgate rules  
2 requiring insurance carriers to report canceled, terminated and  
3 newly issued motor vehicle insurance policies each month to the  
4 department; provided, however, that, for a motor vehicle  
5 insured under a commercial vehicle policy, the insurer may  
6 report either:

7                   (1) at the policy level by reporting only:

8                           (a) the insurance policy number; or

9                           (b) the federal employer identification  
10 number; or

11                   (2) at the vehicle level by reporting only:

12                           (a) the insurance policy number;

13                           (b) the vehicle identification number; or

14                           (c) the federal employer identification  
15 number.

16           E. As used in Subsection D of this section,  
17 "commercial vehicle policy" means an insurance policy:

18                   (1) covering five or more motor vehicles;

19                   (2) insuring a motor vehicle rated or insured as  
20 a business or commercial vehicle;

21                   (3) insuring a motor vehicle licensed by the  
22 state as a commercial vehicle; or

23                   (4) covering a motor vehicle issued to a named  
24 insured who is not a natural person.

25           F. Information reported pursuant to Subsection D of

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1 this section and pertaining to [~~each~~] a motor vehicle shall be  
2 made a part of that vehicle file for one year.

3 [~~E.-~~] G. Within ten days of notification by the  
4 insurance carrier of a termination or cancellation of a motor  
5 vehicle insurance policy, the department shall demand  
6 satisfactory evidence from the owner of the motor vehicle that  
7 he meets the requirements of the Mandatory Financial  
8 Responsibility Act. Failure to provide evidence of financial  
9 responsibility within twenty days after the department has  
10 mailed its demand for proof:

11 (1) constitutes reasonable grounds to believe  
12 that a person is operating a motor vehicle in violation of the  
13 provisions of Section 66-5-205 NMSA 1978; and

14 (2) requires the department to suspend the  
15 person's registration as provided in Section 66-5-236 NMSA  
16 1978.

17 [~~F.-~~] H. The department shall notify the  
18 superintendent of insurance if an insurance carrier fails to  
19 provide monthly reports to the department regarding motor  
20 vehicle insurance policy information as required by Subsection  
21 D of this section. "